IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1250 OF 2007

Kakasaheb Shidu Mhaske .. Petitioner.
Vs.
Municipal Corporation
of Greater Mumbai .. Respondents.

Mr.Atul Rajadhyakshya i/b V.S.Lonkar for the petitioner.
Mr.P.M.Palshikar with Ms.A.R.Joshi for the respondents.

CORAM : D.B.BHOSALE, J.
DATED : 30TH JULY, 2007.

P.C.:

. Heard learned counsel for the parties.

2. In view of the statement made in paragraph 7 of the reply affidavit dated 13.7.2007 filed by the respondents and more particularly reference made to the order dated 8.9.2006 and the decision of standing committee dated 23.2.2007 referred to in paragraph 7 thereof, Mr.Rajadhyakshya, learned senior counsel for the petitioner prays for withdrawal of this petition with liberty to the petitioner to challenge the order dated 8.9.2006 so also the decision of the standing committee dated 23.2.2007 before the appropriate forum. Mr.Palshikar, learned counsel for the respondents has no objection for withdrawal of the petition with liberty as prayed. Having regard to the overall facts and circumstances of the case I am satisfied that the following orders shall meet the ends of justice:

(a) The petition is allowed to be withdrawn and disposed of as such.

(b) The petitioner is at liberty to challenge the order dated 8.9.2006 so also the decision of the standing committee dated 23.2.2007 before the appropriate forum. In case any proceedings challenging the aforementioned order/decision is filed by the petitioner, the same may be decided as expeditiously as possible and preferrably within a period of three months from the date of its filing. The petitioner's appeal which is annexed to the petition at Exhibit-J be also disposed of within a period of three months from the date of receipt of this order. All contentions of both the parties are left open. It is needless to express that the appeal at Exhibit-J so also the appeal that will be filed challenging the order dated 8.9.2006 and the decision dated 23.2.2007 will be decided on merits in accordance with law.

. The writ petition is, accordingly, disposed of.

. The parties to act on an authenticated copy of this order duly issued by the Registry.

(D.B.BHOSALE, J.)